

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

TERRY TOM HARDCASTLE,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-05-835-M
)	
RANDALL WORKMAN, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

On June 8, 2006, United States Magistrate Judge Robert E. Bacharach issued a Report and Recommendation in this action brought pursuant to 42 U.S.C. § 1983. On November 22, 2005, an inmate law clerk filed a Notice informing the Court that on November 17, 2005, Plaintiff died. Because more than ninety (90) days have passed since the filing and service of the notice, and because no one has requested substitution of parties,¹ the Magistrate Judge recommended that the action be dismissed pursuant to Federal Rule of Civil Procedure 25(a)(1). The parties were advised of their right to object to the Report and Recommendation by June 29, 2006. A review of the file reveals that no objection has been filed.

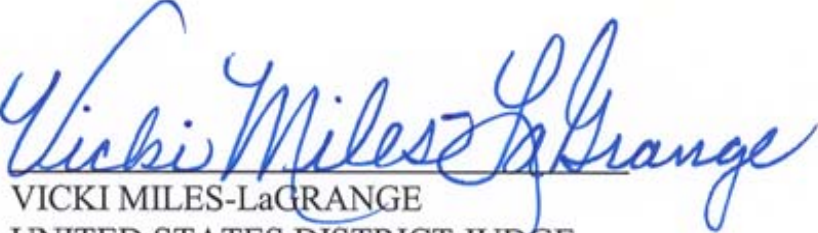
Upon *de novo* review, the Court:

- (1) ADOPTS the Report and Recommendation issued by the Magistrate Judge on June 8, 2006; and

¹ On February 27, 2006, Magistrate Judge Bacharach issued an Order [docket no. 17] advising “all interested parties . . . that under Fed. R. Civ. P. 25, continuation of the present action requires a motion for substitution of parties, through the successors or representatives of the deceased party, to be filed within the time-period stated in Fed. R. Civ. P. 25(a)(1).”

(2) DISMISSES this action without prejudice.

IT IS SO ORDERED this 28th day of July, 2006.


VICKI MILES-LaGRANGE
UNITED STATES DISTRICT JUDGE